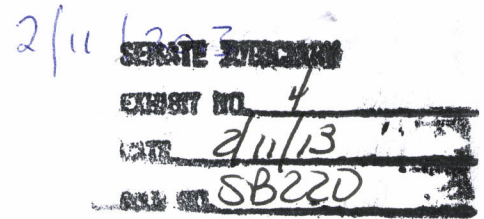


TO: The Senate Judiciary Committee



For the record my name is Tom Heyes, I respectfully request that you approve Senate Bill No. 220, the "Montana Death With Dignity Act".

On New Years Eve 2008, my wife Linda was diagnosed with pancreatic cancer. After an 8 month courageous battle she passed away at one a.m. on August 21, 2009.

An early operation to place a stent in the bile duct gave her hope of a longer and more comfortable life. During her battle against the cancer, she initially took chemotherapy and radiation. This caused her excruciating pain and a one-week stay in the hospital with a temperature spiking up to 105 degrees. The cancer had progressed beyond the point of anticipated successful treatment; the cancer was inoperable.

Given that prognosis, we continued to enjoy the time given us. During this time we often discussed the option of moving to Oregon where she believed "Death with Dignity" was available. We decided that it was too early to make that decision, but it was an option that Linda wished the State of Montana had available when that time arrived.

Early in August the pain became unbearable, Linda could not stay home and was admitted to St. Peter's Hospital. It became apparent that a second operation to place another stent did not have the results that could have extended her life. At that time Linda was competent to make a decision to end her life, had the option been available.

Although the hospital staff and treating physician did all that was within their abilities to make Linda comfortable and pain free, it was an agonizing few days for both Linda, myself and family and friends.

Linda was immensely strong during this whole ordeal. Previously, in April we had, at her request, "Linda's First Annual Live Wake". Invitations were sent, the party was attended by numerous friends and family, complete with bartenders and limousine service to care for those who drank too much. Linda wanted people to remember her as the vibrant, intelligent person she was, not as she knew she would be towards the end of the cancer.

To keep a terminally ill patient pain free morphine is prescribed. Morphine has the effect of inhibiting a person's ability to breathe. It becomes necessary to increasingly administer more frequent doses, which eventually lead to death. It is the only option left to physicians, yet it is a far more expensive, needless extension of the pain of suffering of a person who is terminally ill. I watched Linda through those last days and I am not convinced that she was pain free. The bottom line is, morphine's side effect restricts breathing, that is what most often kills the patient, not the cancer. So, basically, our society already legalizes "assisted suicide". I have read SB 220 and believe that there are more than sufficient safeguards to prevent any possible abuse of this law.

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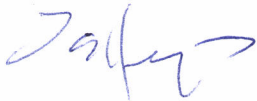
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I respect the beliefs of the opponents of this bill, but that cannot override the unnecessary pain, that patients, family and friends will continue to feel if this Act is not passed. How many lives have felt unnecessary pain since this 2011 committee killed a Death with Dignity Bill during the last legislative session? In a time when conservative ideals talk about less government interference in our personal lives, it seems appropriate that conservatives, moderates and progressives come together and allow the decision to be left to the individual. Our Montana Constitutional right to privacy should guarantee us this right. That we ultimately have the right to decide our own fate.

Thank you for your consideration.



Tom Heyes
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